

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

FILED  
04 NOV -2 AM 10:15

U.S. DISTRICT COURT  
N.D. OF ALABAMA

KENNETH BURKHART,

Petitioner,

v.

CIVIL ACTION NO. 04-PT-1164-NE

WARDEN JAMES DELOACH and  
THE ATTORNEY GENERAL OF  
THE STATE OF ALABAMA,

Respondents.

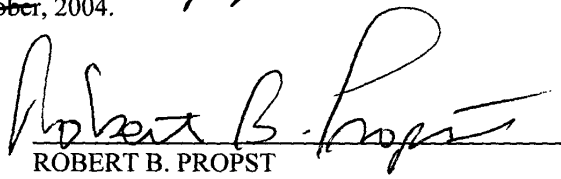
MEMORANDUM OF OPINION

ENTERED  
NOV 2 2004

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed with prejudice.

An appropriate order will be entered.

DONE, this 2nd day of November, 2004.

  
ROBERT B. PROPST  
SENIOR UNITED STATES DISTRICT JUDGE

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